

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF OKLAHOMA  
3  
4 QUINDA BEESON,  
5 Plaintiff,  
6 vs. No. CIV-20-327-SLP  
7 SAFECO INSURANCE COMPANY OF  
8 AMERICA,  
9 Defendant.  
10  
11 VIRTUAL VIDEO-RECORDED DEPOSITION OF  
12 CORPORATION REPRESENTATIVE DIANA FOX  
13 Taken on Behalf of the Plaintiff  
14 On January 24, 2022, beginning at 9:32 a.m.  
15 All Parties Appearing Remotely Via Zoom  
16  
17 APPEARANCES:  
18  
19 Appear on behalf of the PLAINTIFF  
20  
21 Jacob J. Rowe  
22 FULMER SILL  
23 1101 North Broadway, Suite 102  
24 Oklahoma City, Oklahoma 73103  
25 (405) 510-0077  
Jrowe@fulmersill.com  
26  
27 Appear on behalf of the DEFENDANT  
28  
29 William W. O'Connor  
30 HALL ESTILL  
31 320 South Boston Avenue, Suite 200  
32 Tulsa, Oklahoma 74103-3706  
33 (918) 594-0588  
34 Boconnor@hallestill.com  
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1 A Yes.

2 Q And "general damages" refers to the types  
3 of damages that folks in the noninsurance world  
4 would consider pain and suffering damages; true?

5 A Yes.

6 Q He also notes that the tortfeasor has  
7 \$50,000 in liability coverage; correct?

8 A Yes.

9 Q And it indicates that he would be setting  
10 the \$100,000 UIM/BI; correct?

11 A Yes.

12 Q That last section setting \$100,000 UIM/BI,  
13 that is a reserve setting for Mrs. Beeson's claim;  
14 correct?

15 A Yes.

16 Q And Safeco's own claim-handling guidelines  
17 teach adjusters that the reserve that is to be set  
18 on a claim is the expected settlement value of a  
19 claim given everything they know when the reserve is  
20 set; correct?

21 MR. O'CONNOR: Objection to form.

22 THE WITNESS: I wouldn't -- I wouldn't say  
23 that. I would say it's a best guess at the most  
24 probable outcome.

25 BY MR. ROWE:

1 Q So Mr. Linwood's best guess and the most  
2 probable outcome of Mrs. Beeson's claim is that she  
3 would receive payment of the full value of her  
4 \$100,000 UM policy; correct?

5 A Yes.

6 Q I'd like to draw your attention now to a  
7 document Bates stamp Safeco 342. This is a document  
8 we began reviewing just a few moments ago. You've  
9 taken a look at this before in your review of the  
10 claim file?

11 A I have.

12 Q This is a claim note entry from Mr. Jung  
13 Wong, who is a Safeco claims manager, regarding a  
14 complex triage of the Beeson claim; true?

15 A Yes.

16 Q The substance of the note does not  
17 indicate who was involved with the triage of the  
18 claim; correct?

19 A I'm not sure I understand your question.

20 Q We know that Mr. Wong indicates that is a  
21 complex triage to Mrs. -- to BARMEY; correct?

22 A Yes.

23 Q And you know that that is an employee code  
24 for the adjuster Barbara Meyer; true?

25 A Yes.

1       Mr. Ventura on November 6th confirming that she is  
2       issuing payment in the amount of \$25,000 as an  
3       unconditional tender and that Mrs. Beeson is not  
4       accepting the same as full and final payment; true?

5           A       Yes.

6           Q       And also noting that Mr. Ventura objects  
7       to the use of Safeco's using billed amounts -- or  
8       paid amounts versus billed amounts in evaluating her  
9       claim; true?

10          A       Yes.

11          Q       I'd like to draw your attention to a  
12       document bearing Bates stamps Safeco 139 through  
13       144, which is titled "Bodily Injury Evaluation  
14       Worksheet."

15               You've reviewed this document, have you  
16       not?

17          A       I have.

18          Q       And this is the -- kind of the summation  
19       of Mrs. Meyer's evaluation of the damages that  
20       Ms. Beeson is entitled to recover under the terms of  
21       her UM policy; true?

22          A       Yes.

23          Q       I'd like to go to the final page of this  
24       document. There's a spreadsheet on page -- Safeco  
25       144 that contains kind of the end result of her work

1 records?

2 A Yes.

3 Q Those records were not in the original  
4 claim file associated with Safeco's handling of this  
5 claim; true?

6 A That's true.

7 Q And Safeco is not continuing to handle  
8 Mrs. Beeson's UM claim; correct?

9 A I would not say that is correct.

10 Q Okay.

11 A It's still open. We're ready to negotiate  
12 it.

13 Q Okay. Did you look at the claim file from  
14 the continued handling the UM claim post litigation?

15 A I did not.

16 Q Do you know whether or not there is a  
17 post-litigation UM claim-handling file?

18 A I assume there is. It's still open.

19 Q Given that one of the topics you're  
20 testifying on today are the facts that Safeco  
21 intends to rely at trial on, does Safeco intend to  
22 utilize any material within that continuing claim  
23 file in defense of the allegations made by  
24 Mrs. Beeson here?

25 MR. O'CONNOR: Objection to form.

1 THE WITNESS: I don't know.

2 BY MR. ROWE:

3 Q Do you know whether or not Safeco has  
4 revised its evaluation of the UM benefits due to  
5 Mrs. Beeson?

6 A I have not seen anything after the  
7 litigation.

8 Q Okay. Mrs. Fox, do you believe that you  
9 have understood the questions that I have asked of  
10 you today?

11 A I think so.

12 Q Are there any answers to questions or  
13 testimony that you would like to revise or edit at  
14 this time?

15 A No.

16 MR. O'CONNOR: Object to the form.

17 She'll review it when she gets the  
18 transcript.

19 MR. ROWE: Sure. I just -- I heard a  
20 lawyer do that a long time ago, Ms. Fox, and I'm --  
21 you know, after we take a break, I do it.

22 THE WITNESS: None that I remember.

23 MR. ROWE: He was a defense lawyer, Bill,  
24 that I think recently retired.

25 BY MR. ROWE: